

OLL 84-2687
10 August 1984

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MEMORANDUM FOR THE RECORD

SUBJECT: Telephone Conversation with Frank Degnan, GAO
Concerning GAO Access to CIA Information and Reports

1. On 2 August 1984, I spoke with Frank Degnan, GAO, concerning both GAO's specific request for three National Estimates prepared by the DDI addressing the subject of the Pakistani nuclear program, and on the larger issue of GAO access in general to CIA information and reports.


2. With respect to GAO's specific request for DDI materials addressing the Pakistani nuclear program, I informed Mr. Degnan that the DDI was prepared to brief Senator Pressler on the status of this program and to provide him with the information contained in these various national estimates. I further informed Mr. Degnan that we would be willing to make this information available to Senator Pressler through the auspices of the SSCI, but that we were unwilling to provide this information to GAO or staff or other individuals representing the Senator. Mr. Degnan accepted this response without objection or further argument, and simply asked whether we would be in touch with Senator Pressler or whether GAO should inform the Senator of our response. I informed Frank that I was not certain as to who should initiate contact with Senator Pressler on this subject and would have call him to further address this subject.

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3. On the larger issue of GAO access to CIA information, particularly the recent GAO memorandum setting forth various legal authorities which would authorize GAO's access to CIA finished intelligence, I informed Mr. Degnan that I did not believe this summation of GAO authorities altered the terms or conditions of the 1980 agreement on this subject or otherwise required any formal legal response or a change in our basic working relationship. I noted that while I found the GAO summary was an accurate reflection of GAO's statutory authorities, this summation omitted the other side of the equation by failing to make mention of the DCI's statutory authority to protect intelligence sources and methods. This authority had led to the establishment of the 1980 agreement which recognized the need to modify GAO's normal operating procedures with respect to intelligence sources and methods



information. In my view, the 1980 agreement was a reasonable attempt to balance the competing interests and responsibilities of both GAO and CIA by making CIA information available to GAO on a case-by-case basis according to the needs of GAO and the sensitivity of the requested information. Mr. Degnan essentially agreed with the above observations noting that the GAO summation of authorities had omitted the most important guidance contained in GAO's handbook on this subject: that informal discussions designed to reach an mutually acceptable agreement with an agency are the first step to be taken when negotiating rights of access to Executive Branch materials. Mr. Degnan agreed that the most profitable course of action on this matter would be to continue to observe the 1980 agreement and address these issues on a case-by-case basis in the specific context of the particular GAO request for Agency information. Mr. Degnan further noted that he had been reluctant to send the GAO summation of its legal authorities to the Agency, and further agreed that the drafting and exchange of formal legal opinions on this subject would not further the interest of either agency.

4. On this note our conversation ended, with Mr. Degnan waiting to hear further instructions from the Agency as to who should transmit our response to Senator Pressler, and agreeing that no further action need be taken with respect to the GAO memorandum.


Chief, Legislation Division
Office of Legislative Liaison

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